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April 28, 2011

Via First Class Mail & ECF

Honorable Joseph F. Bianco, U.S.D.J.  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: *Richard Gravina, et al. v. National Enterprise Systems, Inc., et al.*  
Case. No.: 09-cv-2942 (JFB)(MLO)

Dear Judge Bianco:

On April 25, 2011, I received ECF notice that a Consent Motion for an Order Certifying Class and Granting and Approval of Class Action Settlement and Injunctive Relief was filed. Doc. 74. I am writing on behalf of Interveners Rodolfo Capote, Brian C. Dawson, and Natalie J. Dawson to request reinstatement of their Motion to Intervene. Doc. 53. The Interveners reasons for this request are as follows:

On September 13, 2010, the Interveners filed their Motion to Intervene. Doc. 53. By Letter Motion of December 19, 2010, I wrote to request that the Motion to Intervene be withdrawn because the claims of the proposed Interveners had been resolved "by agreeing to carve out the Florida classes and settle their claims separately, on a statewide basis, consolidating the two Florida cases under the jurisdiction of the district judge assigned to the *Capote* case in the Southern District of Florida." Doc. 67. On December 21, 2010, this Court granted the motion to withdraw and terminated the Motion to Intervene.

On February 17, 2011 in the U.S. District Court for the Southern District of Florida, a Joint Motion to Consolidate *Capote v. National Enterprise Systems, Inc.*, Case No. 10-61140-CIV-UNGARO, and *Brian C. Dawson v. National Enterprise Systems, Inc.*, Case No 11-20264-CIV-UNGARO, was filed. A copy is attached as Exhibit A. A Joint Motion for Preliminary Approval of Class Action Settlement was also filed on February 17, 2011. A copy is attached as Exhibit B. These motions are pending.

But in the Consent Motion and proposed settlement here, the parties fail to carve out the two Florida class cases. Therefore, the Interveners request that the Court to reinstate the Motion to Intervene (Doc. 53) and direct the parties to show cause why the two Florida class cases were not carved out of the proposed settlement.

Respectfully,



Brian L. Bromberg

cc: Arthur Sanders, Esq. (Via ECF)  
David Israel, Esq. (Via ECF)  
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